



REA Update

Message from the Director

I am pleased to be writing this article for the first newsletter published since the REA program joined the DTSC family. I want to take this opportunity to share with you my vision for the REA program. In general terms, I envision your client-based work as contributing to DTSC's and Cal/EPA's mission of protecting California and Californians from exposures to hazardous substances. I welcome the REA program into our Department and believe strongly that this is a good partnership.

I can say with pride that DTSC continues to make progress in cleaning up the environment, enforcing environmental laws, and preventing pollution. However, work remains to be done. As State government struggles with fiscal challenges in the foreseeable future, your standing and role as California's qualified environmental professionals takes on even more importance. I am committed to further developing the role and responsibilities of the REA and DTSC's REA program and thus build on the State's public and private professional capabilities for protecting California's population and environment. In the near term, you will see evidence of this commitment in three major areas.

Compliance and Enforcement – The value of any registration program lies in its promise that high professional standards are upheld. We will soon publish a Code of Conduct and performance standards for REAs, and will develop an enforcement process to ensure compliance. This will assure you that you are among truly qualified environmental professionals, and assure your potential clients that you are fully capable of performing the services that they require of you.

School Site Evaluation and Cleanup

– The work REA IIs perform is a critical aspect of our continued success in meeting the State's goals for reducing class size, in that REAs conduct much of the environmental assessment and remediation at future and expanding school sites. School districts frequently ask us to step in when they find environmental problems at existing schools as well. REA IIs are important to that work. We are developing tools for use by REA IIs that are specific to school site work, and ensure that our project managers review all work against specific and consistent standards.

Private Site Management – Although in its infancy in many ways, I see the Private Site Management program as having immense

potential, particularly in another of our priority areas, Brownfields Redevelopment. My Senior Policy Advisor recently convened an internal group to develop a comprehensive implementation plan for the recently-adopted regulations. Those of you who are REA IIs are eligible to act as Private Site Managers. I expect to see increasing numbers of parties taking advantage of this small site cleanup program, which will rely upon the REA II to direct those activities.

I expect to see other REA program improvements in the upcoming year or so. Some will be less visible than others but of great importance. As one example, we will exploit DTSC's information technology resources to support the program, converting the REA database to a platform that will allow us to manage data better, and allow your potential clients to find you more easily. We also hope to enhance the REA program's visibility in previously unexplored media and study means of increasing the value of registration to the registrants. We also are reviewing the areas of professional expertise to ensure that prospective clients can more readily identify REA's with a desired expertise and we are considering the addition of expertise identifiers in the fields of schoolsite environmental assessment and cleanup, and real estate transfer and due diligence evaluations.

In closing, I have high hopes and expectations of the REA program. My decision to place the REA program in the Office of the Assistant Director and thus within the DTSC Executive Office emphasizes the importance I place on this program and the role of the REAs. As all REAs registered since January 1, 2003 know, I am personally signing each registration certificate, thereby keeping my finger on the "pulse" of the REA program. Placement within the Executive Office will also ensure the REA program's "independence" from DTSC's line programs. The other advantage of being organizationally located in the Office of the Assistant Director is this office's business assistance presence in our Regional Offices. The Statewide Regional Coordinator/Ombudsman, and Public and Business Liaisons have intimate knowledge of both DTSC's programs and emerging issues for business, which will no doubt be of value to the REA program.

Again, welcome to DTSC, and I look forward to watching the REA program grow.



Ed Lowry,
DTSC Director

REA Program Enforcement Activities

The REA Program continues to evaluate work performed by program registrants. Legislation (Senate Bill 1011) transferring the program from the Office of Environmental Health Hazard Assessment to the Department of Toxic Substances Control (DTSC) also amended Health and Safety Code section 25570.3(k) to clarify the role of the REA Program in ensuring standards of performance.

The REA Program's enforcement authority extends to denial, suspension, or rescission of an environmental assessor's registration, should an assessor's work performance fall below the minimum required standards specified in statute and regulation. In addition to a failure to meet minimum standards of performance, other findings are also sufficient grounds for action including gross negligence, inexcusable neglect of duty, intentional misrepresentation of laboratory data or other intentional fraud.



The REA program is pleased that registrants continue to conduct their activities in a highly professional manner that is protective of human health and the environment. However, we have received occasional complaints and questions regarding the activities or actions of some program registrants.

During the past six months, the REA program evaluated complaints regarding the use of the REA seal and designation by unregistered individuals, using a seal that indicated the registrant's registration had expired, erroneous evaluation of data and the misuse of the registration in advertising.

The designation "Registered Environmental Assessor," "REA," or the use of the REA seal by anyone other than a REA holding current registration issued by DTSC is not allowed. DTSC's Office of Legal Counsel determined that usage by unauthorized individuals not registered by DTSC represents a fraudulent practice. The REA program will continue to pursue actions against any individual using the designation in an unauthorized or fraudulent manner.

All REAs must ensure that, when certifying reports or documents, you clearly indicate the expiration date of your registration. The stamp examples provided to all registrants illustrate the proper design for the registration stamp. These examples clearly show that the expiration date is to be written by hand on the center of the stamp at the time the document is initially certified.

Registration as an REA designates an REA as having satisfied all statutory and regulatory requirements for registration. Using the REA seal or designation to purport or construe to the public that the REA program, DTSC or the State concurs with the quality of a work product prior to its review, or the use of a particular technology offered for sale by an REA is inappropriate and subject to enforcement action.

Registrants certifying reports and documents prepared for the public are advised to ensure that all work is accurate. Failure to ensure the accuracy of evaluations or calculations in documents that are certified by an REA, including work prepared by staff or subcontractors who may be assisting the registrant in preparation of the document, can be cause for suspension or revocation of registration. Inaccuracies may constitute negligence, or may be construed to indicate fraud, either of which is subject to enforcement by the REA program.

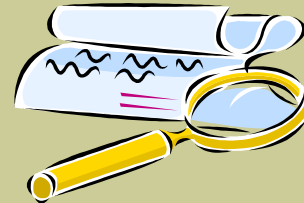
As DTSC Director Ed Lowry noted in his welcoming message (page 1) a clear consistent enforcement program is important both to you and to your clients. The REA program, working with the registrants, DTSC and the other Cal/EPA Boards, will work hard to protect the status and validity of the registration as an REA.

DTSC to Release Registrant Performance Standards

The Department of Toxic Substance Control will be releasing a Code of Conduct and Performance Standards for all registrants. This release consolidates into one document the responsibilities and standards for REAs that currently exist within several statutes and regulations.

Each registrant is expected to know and follow these performance standards. Failure by a registrant to adhere to the code or standards could result in the suspension or revocation of an REA's registration. If an REA II is functioning in the capacity of a Private Site Manager, the consequences of failure to comply could be much more severe, and may include fines and imprisonment.

DTSC is establishing the code and standards to ensure that the activities conducted by REAs serve the interests of the people of the State of California in protecting human health and the environment. These standards guide the activities of, and are binding on, every person submitting documents or other materials to DTSC or any other agency rendering assessment, investigation, containment, or remediation options at a hazardous substance or waste release site, or fulfilling other environmental reporting requirements on behalf of businesses within California.



Any person who becomes aware of the failure of an REA, other environmental practitioners operating as a subcontractor or support person to an REA, or individuals submitting documents to DTSC, to comply with obligations or prohibitions imposed by the code and standards may file a complaint with DTSC regarding the actions or activities of that individual.

The ability of individuals to file a complaint is not intended to subject an REA to any liability in addition to any actions that may be taken by DTSC, nor is it intended that a violation by itself may give rise to a private cause of action or create any presumption that a legal duty to a party other than DTSC has been breached.

In accepting registration, or renewal of registration, the REA certifies that he or she has full knowledge and understanding of this code and of these standards.



New Look for the REA Website

The REA website has a new look and is much easier to use. The DTSC website design team transferred the program website and enhanced its functions. The REA website is located at: www.dtsc.ca.gov/rea/. From the REA home page, you may now directly access the DTSC website to obtain information on topics such as Managing Hazardous Waste, Site Cleanup, Pollution Prevention, Toxics Questions, DTSC's calendar, and more. Check out our new site!

Program Outreach

The REA Program participated in several conferences and professional meetings this past year. During these conferences, we provide attendees with general information regarding the activities of REAs, requirements for registration, program responsibilities and authority and, most importantly, the means to contact registrants for services.

During the conferences we attended this year we were able to provide information to hundreds of individuals including professionals interested in registration, public officials, and client groups.

- The California Association of Realtors Annual Convention
- California Air Resources Board Cross Media Symposium
- The World Congress on Environmental Health
- Continuing Challenge Conference for Emergency Responders
- The League of California Cities 2003 Annual Exposition, and
- The California Water Environment Association Annual Conference

Our 2004 outreach schedule has been impacted by the difficult fiscal situation of the state. We will focus this year's conference outreach efforts on conferences and meetings within the Sacramento area, thereby avoiding the additional expenses for materials and exhibit shipping and staff travel. We anticipate expanding our newsletter and fact sheet output, taking advantage of the resources available within DTSC for the production of these documents, thereby offsetting some of the impact.

Preliminary Endangerment Assessments

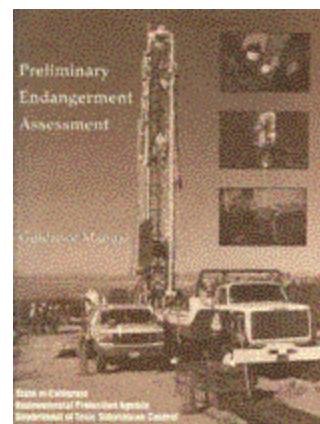
The Preliminary Endangerment Assessment (PEA) is often the primary resource used by many public agencies to evaluate the potential impacts from hazardous substances and waste that may be present at a site. This document is often prepared following a Phase I Environmental Site Assessment (ESA) for schoolsites when the ESA indicates the suspected presence of hazardous substances or materials. The PEA is also an integral part of the process to be followed by Private Site Managers in conducting their work on Brownfields sites

The Department of Toxic Substance Control (DTSC) issued guidance describing the contents and process for preparing a PEA. The guidance manual for the PEA was initially released in 1994 and subsequently revised June 1999. The revised guidance manual addressed a number of issues, most significantly the methodology for conducting human health and ecological screening evaluations.

The PEA requirements are more comprehensive than requirements for the Phase I ESA; however, information collected for this document may be useful for the PEA. Specific requirements of the PEA that are not typically required for the Phase I ESA, or other types of investigations include the site specific human health and ecological screening evaluations, public participation requirements, and scoping activities.

The inclusion of the scoping portion of the PEA is an important tool used by the site owner, the REA and the lead agency to agree upon the focus of the PEA investigation and the degree to which each requirement in the manual applies to the subject site. The manual was written to provide useful guidance for sites of all possible sizes and scenarios, therefore the scoping portion is critical to ensuring that all agency concerns are addressed. Although each element of the PEA report must be addressed, the scope of the investigation and level of detail required for each section should be discussed with the lead agency or DTSC project manager overseeing the PEA activities. Each section should be reviewed to determine the appropriate level of action for a given site.

The guidance manual can be reviewed on the DTSC website at the address: http://www.dtsc.ca.gov/SiteCleanup/SMP_REP_PEA_CH1.pdf. All REAs are encouraged to review this important document whether or not you may be submitting these reports to DTSC.



DTSC's Public and Business Liaisons

The Department of Toxic Substance Control utilizes Public and Business Liaisons located in each regional office as the primary contact between the public and DTSC. They are knowledgeable in many aspects of DTSC's regulatory roles and activities and can be of assistance to you.

The REA program and all registrants have benefited greatly from the activities of the Public and Business Liaisons as they have disseminated much information to the public regarding the program and the activities and availability of registrants.

Call 800-72-TOXIC, or 800-728-6942.



REGISTERED ENVIRONMENTAL ASSESSOR PROGRAM

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*Serving the needs of California through
identifying qualified environmental professionals*

Visit us on the web at:

www.dtsc.ca.gov/REA/

Calendar of Events

Dec. 4, 2003— Dry Cleaner Air Toxic Control Measure (ATCM) Training
One-day or half-day course designed to meet the requirements of the ATCM for PCE from Dry Cleaning Operations. Certify "trainers" and "operators" pursuant to the requirements of the ATCM and to promote understanding on how to comply with the control measure.
Cal/EPA Headquarters Building, Sacramento
www.arb.ca.gov/Training/387.htm

Feb. 18, 2004— Dry Cleaning Training
One-day course emphasizing inspection, leak checking and compliance assistance at facilities using PCE in fabric cleaning.
Cal/EPA Headquarters Building, Sacramento
www.arb.ca.gov/Training/287.htm

Feb. 25-27, 2004— WaterReuse Association, CA Section 2004 Conference
"Water Reuse - What Are You Waiting For"
University City Hilton, Universal City
www.watereuse.org/

March 17-20, 2004— 22nd Annual Salmonid Restoration Federation Conference
Veteran's Memorial Center, Davis, California
www.calsalmon.org/conference.html

Special Notice!

Partly owing to the need to scale back expenses in response to the State's fiscal crisis, but more importantly to reduce the REA program's "environmental footprint," the REA program is relying more heavily on email to communicate with our registrants.

Future notifications will be issued to registrants via email rather than by postcard. Newsletters and other publications will be available and posted on the REA program website at:
www.dtsc.ca.gov/rea/.

We do not anticipate that this initiative will interfere with the transmittal of pertinent information to our registrants. If you do not have access to the internet, please contact the REA program at (916) 324-6881.

Please update your email address on the REA program's website. You can also update other contact information at the same time.